

Information for Servicemembers Regarding the Potential Impact of Character of Discharge on Department of Veterans Affairs (VA) Benefits

_____ HONORABLE DISCHARGE

An Honorable Discharge is a separation from the military service with honor. If you receive an Honorable Discharge, your discharge characterization will not preclude you from receiving VA benefits. With some exceptions, including having a service-connected disability, a minimum of 24 months of continuous active service is required to be eligible for most VA benefits. Other benefit-specific eligibility requirements may apply.

_____ GENERAL DISCHARGE (UNDER HONORABLE CONDITIONS)

A separation from service Under Honorable Conditions is for conduct that is not sufficiently meritorious to warrant an Honorable Discharge. If you receive a General Discharge, your discharge characterization will not preclude you from receiving VA benefits, except for education-related benefits (*i.e.*, the GI Bill). However, if you have a prior period of service upon which the education-related benefits may be predicated, you still may qualify for those benefits. With some exceptions, including having a service-connected disability, a minimum of 24 months of continuous active service is required to be eligible for most VA benefits. Other benefit-specific eligibility requirements may apply.

_____ UNDER OTHER THAN HONORABLE (OTH) CONDITIONS DISCHARGE

A separation under OTH conditions is one that is characterized by misconduct. If you are being discharged Under Other Than Honorable Conditions, you may or may not be entitled to VA benefits for that period of service. VA will conduct an administrative review and determine whether the misconduct upon which your discharge is based constitutes a bar to benefits for that period of service. Even if VA determines that you are not barred from receiving VA benefits, a minimum of 24 months of continuous active service is required to be eligible for most VA benefits. There are a number of exceptions to the minimum continuous active service requirement, such as if you are adjudicated by VA to have a service-connected disability. Other benefit-specific eligibility requirements may apply. See the Administrative Review section on the next page for more information about the potential impact of a discharge under Other Than Honorable Conditions on your VA benefits.

_____ BAD CONDUCT DISCHARGE (BCD)

A separation for bad conduct (BCD) may only be imposed by a General Court-Martial or a Special Court-Martial. VA will conduct an administrative review and independently determine whether the misconduct upon which your discharge is based constitutes a bar to VA benefits. Even if VA determines that you are not barred from receiving VA benefits, a minimum of 24 months of continuous active service is required to be eligible for most VA benefits. There are a number of exceptions to the minimum continuous active service requirement, such as if you are adjudicated by VA to have a service-connected disability. See the Administrative Review section on the next page for more information.

regarding the potential impact of a Bad Conduct Discharge on your VA benefits. If your Bad Conduct Discharge is imposed by a General Court-Martial, then your discharge is a bar to all VA benefits (excluding SGLI life insurance conversion) for that period of service, except if VA determines that you were insane at the time of the commission of the offense(s) leading to your discharge.

_____ DISHONORABLE DISCHARGE or DISMISSAL FROM SERVICE (OFFICER)

A separation under dishonorable conditions or a dismissal from service may only be imposed by sentence of a General Court-Martial. A Dishonorable Discharge or Dismissal is a bar to all VA benefits (excluding SGLI life insurance conversion), except if VA determines that you were insane at the time of the commission of the offense(s) leading to your Dishonorable Discharge or Dismissal.

ADMINISTRATIVE REVIEW BY VA OF OTHER THAN HONORABLE AND BAD CONDUCT DISCHARGES

For Other than Honorable Conditions and Bad Conduct Discharges, VA will issue an administrative decision that determines whether you are eligible for VA benefits. If VA determines that you were insane at the time you committed the offense(s) leading to your discharge, then the character of your discharge in and of itself will not preclude your eligibility for any VA benefits. VA will determine whether a “statutory bar” or “regulatory bar” to your eligibility for VA benefits exists. You are ineligible for VA benefits if you were discharged under one of the following conditions that are considered statutory bars to benefits: 1.) A sentence imposed by a General Court-Martial; 2.) Due to being a conscientious objector who refused to perform duty, wear the uniform, or comply with authority; 3.) Desertion; 4.) Resignation (of an officer) for the good of the service; 5.) An alien during hostilities; 6.) Absence without leave (AWOL) for 180 or more continuous days unless VA determines that there were compelling circumstances for the AWOL. You will be ineligible for most VA benefits if your discharge is based on one of the following regulatory bars to benefits: 1.) Acceptance of an undesirable discharge to escape trial by GCM; 2.) Mutiny or spying; 3.) Moral turpitude; 4.) Willful or persistent misconduct; 5.) Homosexual acts involving aggravating circumstances or affecting duty. Even if you are subject to a statutory or regulatory bar to benefits, you will be allowed to convert your SGLI policy to a VA VGLI life insurance policy.

VA HEALTH CARE ELIGIBILITY

If your discharge is under Other Than Honorable Conditions and VA determines that a regulatory bar, but not a statutory bar, to benefits exists, you will still be entitled to health care benefits for disabilities that have been adjudicated to be service-connected. If your service terminated with a Bad Conduct Discharge, then you will likely not be eligible for any VA health care benefits based on that same period of service. However, health care benefits eligibility may be established through a previous period of service.

PRIOR PERIODS OF HONORABLE SERVICE

If you have completed the entire term of an active duty enlistment contract, or if you have a break in active duty service evidenced by a DD Form 214 that indicates an honorable or general discharge, you may be entitled to VA benefits based upon a prior period of honorable service. If you have a prior period of honorable service, you may be entitled to VA benefits regardless of the characterization of your current term of service. Because calculating prior periods of honorable service can be difficult, please consult with the Department of Veterans Affairs, a Veterans Service Organization, or an attorney regarding your potential eligibility for VA benefits based upon a prior period of honorable service.

CONSCIENTIOUS OBJECTOR DISCHARGES

Being discharged due to conscientious objector status will not, in and of itself, result in the denial of VA benefits. However, and *regardless of your character of discharge*, you will be barred from receiving any VA benefits based on your current period of service if as a conscientious objector, you refused to perform military duties, wear the uniform, or obey lawful orders.

DESERTION

A discharge based on desertion, *regardless of your character of discharge*, is a bar to all VA benefits.

RESIGNATION FOR THE GOOD OF THE SERVICE (OFFICERS)

A discharge based on a resignation for the good of the service, *regardless of the character of discharge*, is a bar to all VA benefits.

TREASON AND SUBVERSIVE ACTIVITIES

If you were convicted of a crime that VA defines as a “subversive activity,” you will not be entitled to any VA benefits based on *any* period of service. A complete list of crimes is found at 38 U.S.C. § 6105.

VA BENEFITS AND INSANITY AT THE TIME OF MISCONDUCT

If VA determines that you were insane at the time you committed the offense leading to your court-martial, discharge, or resignation (officers), you will not be precluded from receiving any VA benefits based on that period of service. VA’s definition of insanity is unique to VA and is not based on the same definition that may have been used if were found to be sane by a Sanity Board. If you believe that you may have been insane, per the VA standard, at the time of your misconduct, you are urged to make this known to VA if and when you file a claim for benefits. In addition, if you had a Sanity Board, received mental health treatment during service, or believe that you suffered from a mental illness during service, you should share this information with VA if and when you file a claim for VA benefits.

CARE FOR MILITARY SEXUAL TRAUMA (MST) VICTIMS

It is VA's policy to provide veterans and other eligible individuals who report having experienced MST free care for all physical and mental health conditions determined by their VA provider to be related to their MST. This benefit may be available to you regardless of the character of your discharge or length of service. If you apply for MST-related counseling, care, and services, you do not need to provide evidence of the sexual trauma. So long as a VA mental health professional determines that you have physical or mental trauma that resulted from MST, you may be eligible for MST-related care. If you think you may be eligible for MST-related services, you are encouraged to see the MST Coordinator at your local VA Medical Center or contact VA at (800) 827-1000.

I have been advised regarding the potential impact of my expected character of my discharge on my eligibility for VA benefits. I also understand that it costs nothing to file a claim for benefits, nor does it cost anything to obtain assistance in filing a claim. If I have further questions regarding my potential eligibility for VA benefits, I have been advised to consult with the Department of Veterans Affairs, a Veterans Service Organization, or an attorney who is accredited to practice before the Department of Veterans Affairs.

Name

Signature

Date